

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, OCTOBER 9, 2014**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Paul Alpert (Chair), Janet Carter Bernardo, Stephen Farr, Peter Oehlkers, Sharon Soltzberg, Matt Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Karon Skinner Catrone, Chris Devaux, Kathleen Powers, Scott Scherbon, Diane Simonelli

P. Alpert opened the public meeting at 7:35pm.

MINUTES: Deferred

ENFORCEMENT & VIOLATION UPDATES:

62 BROOKSIDE ROAD

Matt Varrell reported that he had received an email from Dr. John Rockwood with an update. The Town of Wellesley has approved the wood chip removal, seeding and authorized mowing to take place in October 2014. The Town has hired EcoTec to provide them with a Restoration/Maintenance Plan. The plan is for the Town of Wellesley to be a co-signer on the Notice of Intent Application before the Needham Conservation Commission. A new legal advertisement will be necessary, the Needham abutters will need to be re-notified, and the abutters from Wellesley will need to be notified.

10-12 CHARLES STREET

M. Varrell reported that the Enforcement Order had been sent to the property owner, 10-16 Charles Street, LLC. The Enforcement Order required the submittal of an after-the-fact Notice of Intent application to be submitted by October 23rd, 2014 and include a completed Stormwater Checklist. Kathleen Powers and Chris Devaux (owners' representatives) stated they had received a Permit for the work from Public Works in April of 2014. M. Varrell stated he had spoken with the Town Engineer, Tony DelGaizo, who described the Permit as being for "occupying and obstructing a roadway", not for approving paving. P. Alpert explained the Permit they had acquired had nothing to do with the Town's Wetlands Bylaw or the Wetlands Protection Act regulations.

P. Alpert noted that the paving contractor, DelVecchio Construction, should have known to file with Conservation for a Permit. J. Carter Bernardo stated the project would need to meet the Stormwater Standards to the extent practicable such as submitting an Operation & Maintenance Plan. K. Powers will contact the Conservation Department with a timeline for the Notice of Intent submittal. The Commission explained that if the Applicant does not have enough time to file the NOI application by the October 23, 2014 filing deadline, the Commission will expect it by the November 6, 2014 filing deadline to be heard at the November 20, 2014 Meeting. The Commission added that they require a letter from the Applicant by October 23rd, 2014 stating who they have hired to complete the submission with a specific timetable if they are unable to meet the October 23rd, 2014 filing deadline.

695 CHARLES RIVER STREET

M. Varrell reported that he had received an anonymous phone call stating someone was installing a generator in the wetlands at 695 Charles River Street. The generator installer, Scott Scherbon of TriState Generator, was present. M. Varrell described the violation as the excavation of a trench, removal of a tree and soil stockpiling in the 100-foot Buffer Zone to Bordering Vegetated Wetlands and the runoff of

concrete wash water in a planted Buffer Zone restoration area. M. Varrell had spoken to the homeowner who directed him to speak with the contractor, S. Scherbon. S. Scherbon explained that he had nothing to do with the tree removal or concrete wash in the wetland and noted a fence company had been on-site a few weeks ago as well. M. Varrell had required the installation of erosion controls as there were exposed soils. No Enforcement Order has been issued at this time. The original approved Plan for the house project did not include installation of an emergency generator. The stockpiled soil will be returned to the trench once work is complete.

The Commission requested that M. Varrell draft an Enforcement Order requiring the submission of a Request for Determination of Applicability. J. Carter Bernardo requested the homeowner attend the RDA hearing. As one (1) tree had been removed, the Commission required the Applicant propose the installation of two (2) native replacement trees per the Town's Tree Removal Guidelines within the 100-foot Buffer Zone. M. Varrell asked when the "gas company" issue would be resolved. S. Scherbon responded that he hoped to have the new meter installed in the next few days. The Applicant will have the Request for Determination application submitted by October 23rd, 2014 for the November 6th, 2014 Conservation Commission hearing. The Commission agreed to allow Mr. Scherbon to continue work.

Motion to issue the Enforcement Order for 695 Charles River Street by J. Carter Bernardo, seconded by S. Farr, approved 5-0-0.

DEFAZIO PARKING LOT

M. Varrell explained that someone with machinery had pushed part of the embankment of dirt in the corner of the parking lot near the tot lot down to the edge of the wetlands. M. Varrell had issued an Enforcement Order to the Town Department of Public Works. The DPW doesn't know who caused the violation. The DPW has pulled back the material out of the wetland edge and in addition removed old concrete piping from the wetland. Erosion controls are installed, a no dumping sign has been installed and the Town will plant trees and shrubs on the slope to stabilize it.

Motion to affirm the Enforcement Order that was issued to the Department of Public Works by J. Carter Bernardo, seconded by S. Farr, approved 5-0-0.

HEARINGS

65 CURVE STREET - NOTICE OF INTENT (DEP FILE #234-7XX)

Applicant: Hillcrest Development

Project: Proposed regrading of an existing single-family lot, including the removal of one (1) Norway maple tree, replacement with two (2) native trees and the construction of a stone retaining wall within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Present for the Applicant: Karon Skinner Catrone

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received September 25, 2014
- ❑ Needham Wetlands Protection Bylaw Application for Permit received September 25, 2014
- ❑ Plan entitled: "Proposed Plan, Map 140 Lot 43, 65 Curve Street, Needham, MA", prepared by Mikhail Deychman, stamped and signed by Richard A. Volkin, P.E. No. 22282, dated 9/22/14.

P. Alpert opened the public meeting at 7:50 p.m. Karon Skinner Catrone gave the Commission a review of the project and went over the proposed conditions plan that had been submitted with the filing.

Karon Skinner Catrone presented the following information:

- The Commission issued a Negative Determination of Applicability for the property in May of 2014 to remove an existing garage from the 100-foot Buffer Zone.
- The Applicant proposes to remove an existing retaining wall, remove one (1) tree, re-grade the rear yard and construct a retaining wall further back in the yard.
- All the proposed work is located outside of the 50-foot Buffer Zone.
- A compost sock erosion control barrier is proposed.
- 2,800 square feet of re-grading is proposed.
- Two (2) native replacement trees are proposed to be installed within the 100-foot Buffer Zone.

Comments from the Commission & Staff:

- P. Alpert asked if there had been a DEP # issued for the project. M. Varrell answered that the project had not yet been posted on the DEP website so the hearing will need to be continued.
- M. Varrell has received ~~from~~ the proof of abutter notices from Mikhail Deychman.
- P. Alpert noted the Commission has concerns that the proposed grading may damage the existing hemlock trees and shrubs and questioned the proposed installation locations of the two (2) replacement trees in relation to the existing trees. M. Varrell suggested the Applicant retain an arborist to ensure the health of the existing trees by either determining where the line of fill should end or proposing a tree well to protect the root structure.
- J. Carter Bernardo pointed out that the removal of the stone wall is located where the orange construction fencing is, which is inside the 100-foot Buffer Zone. The Applicant is working without the Commissions Approval.
- The Commission questioned how the proposed stone wall can be constructed with the erosion control barrier so close to it. J. Carter Bernardo requested the proposed wall be installed at least 10-feet off the lot line.
- M. Varrell noted that no retaining wall detail had been provided with the application.
- P. Alpert noted the proposed grading is shown to continue onto the abutter's property.
- The Commission requires a revised plan showing the retaining wall moved back 10-feet from the property line, a new location for the proposed red maple trees, retaining wall detail, delineation of the fill area away from the existing trees and off of the abutting property.
- M. Varrell noted a large area of invasive knotweed and asked that the Applicant consider removing it as well as removing old railroad ties in the Buffer Zone.

Comments from the public:

None.

Motion to continue the public hearing to October 23, 2014 @ 8:15 pm, for revised plans and a DEP file number, for 65 Curve Street (DEP FILE #234-7XX), by J. Carter Bernardo, seconded by S. Farr, approved 5-0-0.

OTHER BUSINESS

REQUEST FOR CERTIFICATE OF COMPLIANCE – 1285 SOUTH STREET (DEP FILE #234-499)

D. Anderson reported that she had met on-site with the Applicant and pointed out that the plant monitoring period will not be completed until next year. The Applicant will hire a wetlands consultant to prepare the required monitoring reports. The Applicant plans to request a Minor Modification to the existing Order of Conditions to address the issues noted during the COC site visit including, the mowing of the area that was to be meadow, the removal of boulders and lawn from the abutting properties and the permanent

boundary marker installation at the limit of lawn. The Applicant has asked that the Request for Certificate of Compliance be withdrawn at this time.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 470 DEDHAM AVENUE (DPW GARAGE) (DEP FILE #234-675)

M. Varrell reported that the Town had withdrawn the Certificate of Compliance request. Several Conditions of the Order have not been completed.

REQUEST FOR CERTIFICATES OF COMPLIANCE – 180 STANDISH ROAD (DEP FILE #'S 234-147, 234-151 & 234-639)

D. Simonelli represented the Applicant. The most recent Order, (DEP File #234-639) pertains to the failed pool retaining wall. Deviations from the approved plan include: a proposed 4-foot chain-link fence that was to be installed in the middle of the slope but was installed at the toe of slope; the portion of the existing wall to remain was slightly larger than proposed. The Commission was concerned about an area that does not appear to be stabilized. M. Varrell stated he does not believe there is an erosion concern.

DEP File #234-151 was for the construction of the swimming pool. D. Simonelli noted the plan of record only showed the pool and not the proposed deck. Since there is no description of the pool patio or the materials of which it was to be constructed, Field Resources cannot certify that the deck was in compliance with the approved plans. The pool was installed as proposed.

D. Simonelli explained that the project associated with DEP File #234-147 was for landscaping and tree removal; however, there was no plan of record found. M. Varrell noted that from what he had read, it appears that the homeowner may have removed vegetation without a permit and had to file an after-the-fact Notice of Intent application.

J. Carter Bernardo stated that she would like to have the homeowner install three (3) permanent bounds delineating the 25-foot Buffer Zone, the property line corner and the edge of lawn so no activity (mowing etc.) would take place in that area. A portion of lawn is in the 25-foot Buffer Zone and some lawn is located on Corp. of Engineers owned property. The Commission discussed the method of requiring the installation of the bounds. M. Varrell explained that the Commission should have had these requirements put in the Order of Conditions instead of trying to order the owner to put monuments in during the Certificate of Compliance process. The Commission agreed with this and asked D. Simonelli to request the owner install the markers.

Motion to issue a Certificate of Compliance for work at 180 Standish Road (DEP File #234-147) by J. Carter Bernardo, seconded by S. Farr, approved 5-0-0.

Motion to issue a Certificate of Compliance for work at 180 Standish Road (DEP File #234-151) by J. Carter Bernardo, seconded by S. Farr, approved 5-0-0.

Motion to issue a Certificate of Compliance for work at 180 Standish Road (DEP File #234-639) by J. Carter Bernardo, seconded by S. Farr, approved 5-0-0.

INFORMAL DISCUSSION – TEST PILINGS AT EASTMAN CONSERVATION AREA (WESTON & SAMPSON)

M. Varrell explained that someone from Weston & Sampson was supposed to come in to speak informally to the Commission regarding why they felt a Request for Determination of Applicability filing should not be necessary for the test pilings at the Eastman Conservation Area; however, Weston & Sampson did submit the RDA, so no discussion is necessary.

RIDGE HILL – BOULDERS

M. Varrell informed the Commission that the boulders have been installed along the Ridge Hill driveway.

ALL BOARDS MEETING

M. Varrell reported that there is an All Boards Meeting on October 22, 2014 at 7:00 pm in Powers Hall to discuss the results of the Facilities Working Group Study. P. Alpert requested M. Varrell send an email regarding the meeting to the Commission Members.

Motion to adjourn the meeting by P. Oehlkers, seconded by S. Soltzberg, approved 5-0-0.

The meeting was adjourned at 9:10 pm.

NEXT PUBLIC HEARING

Thursday, October 23, 2014 at 7:30 PM in the Public Services Administration Building, Charles River Room.